

THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
WILKES-BARRE DIVISION

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IN RE:

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**CASE NO. 5-21-01644**

Timothy Newhart

:

:

**CHAPTER 13**

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**OBJECTION TO CERTIFICATION OF DEFAULT**

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NOW COMES, Timothy Newhart, the above Debtor, by and through their counsel, Tullio DeLuca, Esq., and files this Objection to Certification of Default and states the following:

1. On July 14, 2022, a Motion to Dismiss due to material default was filed.
2. On December 08, 2023, Jack N. Zaharopoulos, Esq. filed a Certificate of Default

stating that the Debtor has failed to cure the arrears.

3. Debtor's Counsel is contacting the Debtor to ascertain if the payments have been made and/or if the Debtor is in possession of the funds needed to cure the alleged default.

4. The Debtor requests that a hearing be scheduled on the Objection to the Certificate of Default.

WHEREFORE, the Debtor respectfully requests that this Honorable Court sustain the Objection to the Certification of Default and deny the dismissal of the Chapter 13 Case.

Respectfully submitted,

Date: December 11, 2023

/s/Tullio DeLuca

Tullio DeLuca, Esquire

PA ID #59887

Counsel for Debtor

381 N. 9<sup>th</sup> Avenue

Scranton, Pa 18504

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**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that on December 11, 2023, he caused a true and correct copy of Debtor's Objection to Certification of Default to be served Via electronic filing on the following CM/ECF participants:

Jack N. Zaharopoulos, Esq. at info@pamd13trustee.com\_

Date of Mailing: December 11, 2023      /s/Tullio DeLuca  
Tullio DeLuca, Esquire